

REMARKS

Reconsideration and withdrawal of the objection and rejections set forth in the above-mentioned Official Action in view of the foregoing amendments and the following remarks are respectfully requested.

Claims 1-18, 20, 25, 26 and 29-37 remain pending in the application, with Claims 1, 17 and 29 being independent. Claims 1, 17, 25 and 29 have been amended herein.

Initially, Applicant and his undersigned attorney wish to thank the Examiner and her primary Examiner for the courtesies extended during the personal interview on July 25, 2006. During that interview, the differences between the claimed invention and the prior art were discussed. While it was agreed that there were clear differences between the invention as described and the citations of record, there is no clear agreement as to how the claimed invention was distinguished from those citations. In particular, the meaning of the terms “length dimension” and “longitudinal dimension” was discussed.

Applicant’s position is that length dimension or longitudinal dimension would connote, to one of ordinary skill in the art, the longest dimension of an article. On the other hand, the Office Action points to an online dictionary (MSN Encarta) definition of length to mean a “distance... from end to end.” Applicant respectfully submits that such is not the more widely accepted definition of length. Attached hereto are definitions from four other prominent dictionaries wherein the first relevant definition of the term “length” reflects the greatest dimension. It is respectfully submitted that one of ordinary skill in the

art would construe the terms “length dimension” and “longitudinal dimension” as being the greatest dimension of the object.

Moreover, referring to MPEP § 2111.01, where extrinsic reference sources, such as dictionaries, evidence more than one definition of a term, the intrinsic record must be consulted to identify which definition is most consistent with Applicant’s use of the term. Referring to Applicant’s disclosure and Figure 1, for example, the length dimension must be the longest dimension because packet 1 is significantly less wide than splint 3 in the width direction. This reading is further supported in the specification at page 4, paragraph [0012] and emphasized in the Remarks in the Amendment and Petition for Extension of Time filed February 9, 2006. In particular, in distinguishing the claimed invention from U.S. Patent No. 4,537,184 (Williams, Jr.), Applicant are construing the length dimension as being the longest dimension of an article, and in distinguishing from U.S. Patent No. 3,494,538 (Matthews), the longitudinal dimension is also construed as being the longest dimension. That is, in Williams, Jr. the inner bag 16 has substantially the same width dimension as the splint 14, but clearly not the same length dimension. Likewise in Matthews, tear string 16 runs along the transverse or width dimension, but not along the longer longitudinal dimension. Moreover, as the prior Examiner correctly recognized in the Office Action at page 18, the term length dimension was intended by Applicant to mean the maximum length dimension.

Accordingly, the terms “length dimension” and “longitudinal dimension” in the claims should be construed for the purposes of examination to mean the longest dimension.

Nevertheless, in order to advance prosecution, Applicant proposes to amend the claims as shown herein to further emphasize that the casting material or container can be construed as having both length and width dimensions with the length dimension being longer than the width dimension. Since this terminology is being used to merely reinforce the plain meaning of length dimension or longitudinal dimension, it is not believed to raise new issues. Entry of these claim amendments are respectfully requested.

The drawings were objected to because reference numeral 9 was used to designate both the ends and the pull ring in Figure 3. In response, Applicant is submitting a corrected Figure 3 labeling the pull ring with reference numeral --10--. The specification at paragraph [0014] has been similarly amended. Favorable consideration and withdrawal of the objection to the drawings are requested.

The drawings were also objected for not showing the claimed feature of the container having substantially the same length dimension as that of the casting material or the string extending substantially along the longitudinal dimension of the container. In response, Applicant has amended Figure 1 to show these features. The amendments are believed to be fully supported by the original specification. Favorable consideration and withdrawal of this objection to the drawings are respectfully requested.

Claim 25 was objected to for use of the term “the gel container”. The word “gel” has been deleted from Claim 25 to be consistent with independent Claim 17.

Favorable consideration and withdrawal of the objection to the drawings are requested.

Claims 1, 3, 4, 6-9 and 11 were rejected under 35 U.S.C. § 102 as being anticipated by Williams, Jr.. Claims 1, 3, 4, 6, 7, 9, 11 and 13-15 were rejected under 35 U.S.C. § 103 as being unpatentable over U.S. Patent No. 5,318,504 (Edenbaum et al.). Claims 17 and 26 were rejected under § 103 as being unpatentable over Williams, Jr.. Claims 2, 12 and 16 were rejected under § 103 as being unpatentable over Williams, Jr. in view of U.S. Patent No. 5,713,838 (Termanini). Claims 2, 12 and 16 were rejected under § 103 as being unpatentable over Edenbaum et al. in view of Termanini. Claims 18 and 20 were rejected under § 103 as being unpatentable over Williams, Jr. in view of Termanini. Claim 5 was rejected under § 103 as being unpatentable over Williams, Jr. and Termanini in view of U.S. Patent No. 3,797,493 (Saudek). Claim 5 was rejected under § 103 as being unpatentable over Edenbaum et al. in view of Termanini and Saudek. Claim 25 was rejected under § 103 as being unpatentable over Williams, Jr. in view of Termanini and Saudek. Claim 10 was rejected under § 103 as being unpatentable over Williams, Jr. in view of U.S. Patent No. 4,899,738 (Parker). Claim 10 was rejected under § 103 as being unpatentable over Edenbaum et al. in view of Parker. Claims 29-37 were rejected under § 103 as being unpatentable over Williams, Jr. in view of Termanini and Matthews. Claims 29-37 were rejected under § 103 as being unpatentable over Edenbaum et al. in view of Termanini and Matthews. These rejections are respectfully traversed.

As recited in independent Claim 1, the present invention relates to an integrated orthopedic bandage system including a water-curable orthopedic casting material and a container. The water-curable orthopedic casting material is in the form of a splint and has both length and width dimensions, with the length dimension being longer than the width dimension. The container includes water which is removable from the container, and the container has substantially the same length dimension as that of the casting material.

As recited in independent Claim 17, the present invention relates to a method for curing a water-curable orthopedic casting material, which is in the form of a splint and has both length and width dimensions, with the length dimension being longer than the width dimension. The method includes applying, to an orthopedic material to be cured, an effective amount of water. The orthopedic casting material and the water are present in a package wherein the water is provided in a container from which it is removable into fluid communication with the casting material whereby when the water is removed from the container, the water directly contacts the casting material substantially along the entire length dimension of the casting material.

As recited in independent Claim 29, the present invention relates to an integrated orthopedic bandage system including a water-curable orthopedic casting material, a container and an opening means. The water-curable orthopedic casting material is in the form of a splint. The container includes water which is removable from the container and has longitudinal and transverse dimensions, with the longitudinal dimension

being larger than the transverse direction. The opening means opens the container and is positioned relative to the container so that when pulled the opening means ruptures the container substantially along its longitudinal dimension to expose the water contained in the container to the casting material.

As discussed previously and during the interview, in Williams, Jr. the inner bag 16 containing the reacting liquid is disposed toward the left end of the outer bag 12. This bag does not have substantially the same length dimension as that of splint material 14. As would be construed by one of ordinary skill in the art and emphasized herein, the length dimension is the longest dimension of the casting material. Accordingly, Williams, Jr. cannot be said to disclose or suggest a container including water having substantially the same length dimension as that of casting material, as is recited in independent Claim 1. Further, as discussed in the interview, in Williams, Jr. when the liquid is removed from the container, the liquid does not directly contact the casting material along the entire length dimension of the casting material. Rather, in Williams, Jr. the liquid would directly contact the splint material partially along its length dimension, namely, only that portion of the splint material adjacent to the inner bag 16. Further, Williams, Jr. does not disclose opening means positioned relative to a container so that when pulled, ruptures the container substantially along its longitudinal dimension, as is recited in independent Claim 29.

Thus, Williams, Jr. fails to disclose or suggest important features of the present invention recited in the independent claims.

Like Williams, Jr., Edenbaum et al. does not disclose or suggest a container having substantially the same length dimension of the casting material, water directly contacting the casting material substantially along the length dimension of the casting material, or an opening means that is pulled to rupture the container substantially along its longitudinal direction, as is recited in the independent claims. Rather, in Edenbaum et al. water reservoir 38 is aligned in a widthwise direction along one end of casting member 26.

Thus, Edenbaum et al. also fails to disclose or suggest important features of the present invention recited in the independent claims.

Matthews describes a tear string assembly for a container. However, as shown in Figure 4, tear string 16 is provided to tear transversely along the top edge of pouch 10. Tear string 16 does not rupture substantially along the longitudinal dimension of the container. Accordingly, Matthews fails to remedy the deficiencies of the citations noted above at least with respect to independent Claim 29.

Saudek describes a pharmaceutical container including a cord that is pulled to rupture the container. However, the cord in Saudek only ruptures one end of the container and does not rupture the container substantially along its longitudinal dimension. Accordingly, Saudek also fails to remedy the deficiencies of the citations noted above at least with respect to independent Claim 29.

The remaining citations have been reviewed, but are not believed to be any more relevant than those discussed above.

Accordingly, independent Claims 1, 17 and 29 are patentable over the citations of record. Reconsideration and withdrawal of the §§ 102 and 103 rejections are respectfully requested.

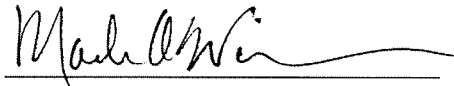
For the foregoing reasons, Applicant respectfully submits that the present invention is patentably defined by independent Claims 1, 17 and 29. Dependent Claims 2-16, 18, 20, 25, 26 and 30-37 are also allowable, in their own right, for defining features of the present invention in addition to those recited in the independent claims. Individual consideration of the dependent claims is requested.

Applicant submits that the present application is in condition for allowance. Favorable reconsideration, withdrawal of the rejection set forth in the above-noted Office Action, and an early Notice of Allowability are requested.



Applicant's undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Mark A. Williamson', with a long horizontal flourish extending to the right.

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